

REMARKS

1. The Office Action has objected to the specification because of a typographical error in Paragraph 0009 on Page 5. The Office Action has required the patent number 5,560,800 on line 3 of Paragraph 0009 to be corrected to read "6,560,800". This amendment to the specification has been accomplished by the amendments to the application above replacing the original Paragraph 0009 with the revised Paragraph 0009.

2. The Office Action has rejected Claims 1, 10 and 11 under the provisions of 35 U.S.C. §102(b) as being anticipated by U. S. Patent No. 4,506,396 (Ritchie). The Office Action states that Ritchie teaches a maternity pillow having a sloped portion, reference being made to Figure 6, with a thick portion at an opposing end (at element 22), with a second pillow and connecting member therebetween. The Office Action further states that with respect to independent Claim 11 that the Ritchie patent teaches an asymmetrical configuration with a sloped portion at a first end and a thick portion at an opposing second end. This rejection is respectfully traversed.

Applicant would direct the Examiner's attention to the amendments to independent Claims 1 and 11 to better define Applicant's invention. More particularly, Applicant's inventive maternity pillow is defined as having a sloped portion at an upper end and a thick portion at a lower end with the connecting member transversely extending between the longitudinally opposed upper and lower ends to interconnect the two pillows into a single assembly.

Applicant respectfully submits that the Ritchie reference cannot meet or make obvious this specific maternity pillow structure. Ritchie contains no teaching or suggestion for a sloped portion that is positioned at the upper end of the pillow to form an asymmetrical configuration with a thick portion at a longitudinally opposed lower end of

the pillow. Applicant's amendments specifically define the location of the upper and lower end, as compared to the intermediate location at which the connecting member extends transversely. Assuming that Ritchie has a sloped portion as set forth in Applicant's claims, that sloped portion, as is depicted in Figure 6 of Ritchie, extends uniformly from the upper to the lower ends of the pillow, thus forming a very symmetrical pillow configuration.

Accordingly, Applicant respectfully submits that the limitations of amended independent Claims 1 and 11 cannot be met or made obvious by the Ritchie reference. For the reasons given above, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

3. The Office Action has rejected Claim 2 under the provisions of 35 U.S.C. §103(a) as being unpatentable over Ritchie in view of U. S. Patent No. 4,748,702 (Sandler). The Office Action states that Sandler teaches the inclusion of a pillow member within a removable case, with the connecting member being connected to the first case. This rejection is respectfully traversed.

Applicant respectfully submits that the Sandler reference adds nothing to the Ritchie patent to meet the claim limitations of amended independent Claim 1 from which Claim 2 depends. Applicant respectfully submits that Claim 2 adds limitations further defining Applicant's invention and requests that this dependent Claim be passed to allowance with amended Claim 1 from which Claim 2 depends. Accordingly, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

4. The Office Action has rejected Claims 5, 6, 9, 12, 13 and 16 under the provisions of 35 U.S.C. §103(a) as being unpatentable over Ritchie in view of U. S. Patent No. 2,314,080 (Dine). The Office Action states that Dine teaches an anatomical support

device formed in a tier configuration with the first tier adjacent an interior edge having the least thickness. This rejection is respectfully traversed.

Applicant respectfully submits that the Dine reference adds nothing to the Smith patent to meet the claim limitations of amended independent Claims 1 and 11. Applicant respectfully submits that the Dine patent does teach a sloped portion that extends fully from the upper end to the lower end with the thick portion being along the exterior edge of the pillow and also extending from the upper to the lower edge, forming a very symmetrical pillow configuration. However, neither Ritchie nor Dine, whether taken singly or in combination, teach or suggest a maternity pillow of the configuration specifically claimed in amended independent Claims 1 and 11. Since dependent Claims 5, 6, 9, 12, and 13 contain the limitations of the respective independent claim from which they depend, the Ritchie/Dine combination cannot meet the limitations of these claims. Dependent Claim 16 now depends from Claim 15 which has been converted into independent form as is noted below. Applicant respectfully requests that Claim 16 be passed to allowance with Claim 15.

For the reasons given above, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

5. The Office Action has rejected Claims 7, 8, 17 and 18 under the provisions of 35 U.S.C. §103(a) as being unpatentable over Ritchie in view of Dine and further in view of U. S. Patent No. 6,052,848 (Kelly). The Office Action states that Kelly teaches the use of internal baffles and that it would be obvious to include baffles into the pillow structure represented by the Ritchie/Dine combination. This rejection is respectfully traversed.

Applicant respectfully submits that the Kelly reference contains no teaching or suggestion for the formation of the tier structure of the sloped portion by internal baffles.

The baffles in Kelly simply divide the head portion of the very long pillow member from the portions of the pillow to either side thereof so that the stuffing material in the head portion is trapped in the head portion. The Kelly baffles have nothing to do with forming a tier configuration of increasing thickness in a sloped portion of a maternity pillow.

Furthermore, Claims 7, 8, 17, and 18 depdne from amended independent Claims 1 and 11 and contain the limitations found therein. Kelly adds nothing to the Ritchie and Dine references to meet the limitations of these amended independent claims.

For the reasons given above, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

6. The Office Action has rejected Claim 14 under the provisions of 35 U.S.C. §103(a) as being unpatentable over Ritchie in view of Dine and further in view of Sandler. This rejection is respectfully traversed.

Applicant would direct the Examiner's attention to the cancellation of dependent Claim 14 from the application. Accordingly, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

7. Applicant appreciates the indication of allowable subject matter in dependent Claims 3, 4, 15, 19 and 20. Applicant would direct the Examiner's attention to the amendments to dependent Claim 15 to place the claim into independent form with Claims 19, 20 and newly submitted dependent Claim 21 depending therefrom. Claims 3 and 4 have been retain in their original dependent form depending from Claim 1. Applicant respectfully requests that these claims be passed to allowance with amended Claim 1.

Applicant respectfully submits that the conversion of Claim 15 into independent form and the addition of Claim 21 do not require any additional filing fees, as

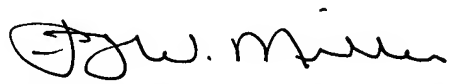
the application, after amendment, contains three independent claims and a total of 20 claims (with the cancellation of Claim 14).

8. In summary, Claims 1, 5, 6, 9, 11 - 13, 15, 16 and 20 have been amended, Claim 14 has been canceled, Claim 21 has been added, and Claims 1 - 13 and 15 - 21 remain in the application. Applicant believes that the claims are allowable based on the foregoing amendments. Applicant respectfully requests that all rejections be reconsidered and withdrawn and that all claims remaining in this case be allowed.

Pursuant to currently recommended Patent Office practice, the Examiner is expressly authorized to call the undersigned attorney if in his judgment disposition of this application could be expedited or if he considers the case ready for final disposition by other than allowance.

Respectfully submitted,

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